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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

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| EXAMINER |
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AYRES, TIMOTHY MICHAEL

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| ART UNIT | PAPER NUMBER |
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3637

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10/20/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocketing@andruslaw.com

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/582,265 | Applicant(s) KOROLAINEN, JUSSI | |
| | Examiner TIMOTHY M. AYRES | Art Unit 3637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Please note that there has been a change in examiners to the undersigned Timothy M Ayres and any questions should be directed thereto

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 6, and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. As for Claim 4, it is unclear if the "two swing arms" are the same part(s) as the "at least one swing arm" found in line 6 of Claim 1 or are two additional swing arms making the claim recite at least three swings arms.

4. Claim 4 also recites the limitation "the second pivot joint" in line 3. There is insufficient antecedent basis for this limitation in the claim.

5. As for Claims 6 and 11-14, the language, "has [the bearer's] top and bottom portions provided with horizontal swivel axles " is unclear if the "horizontal swivel axles" are the same parts as the "first pivot joint" of Claim 1, and/or the first and second pivot joints of Claim 2, or the "horizontal swivel axle" of Claim 3.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 6, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korber et al. (Korber) (United States Patent No. 7,047,890) in view of Korolainen (FI 77967).

8. As for Claim 1, Korber is cited for teaching a computer table element comprising: a body, a sliding keyboard panel (30; See Figures 2-4) having an extended working position (See Figure 4) and a retracted storage position (See Figure 2), a bearer (14) mounted pivotably on the body capable of supporting a fiat-panel display in various positions, and means for transmitting a movement of the keyboard panel to the bearer, characterized in that the means include a swing arm (22,24), which is connected by a first pivot joint (46; See Figure 6) to a bottom portion of the bearer (14) and the turning of which makes the bearer pivotable for reducing an angle between the display and a vertical plane, wherein the display swivels towards the vertical plane as the keyboard panel travels from the working position to the storage position (See annotated Figure 4 below; when the keyboard panel is pushed inwards, motion opposite of the sequence found in Figures 2-4 will occur and the bearer will move in the direction of arrow A towards plane B).

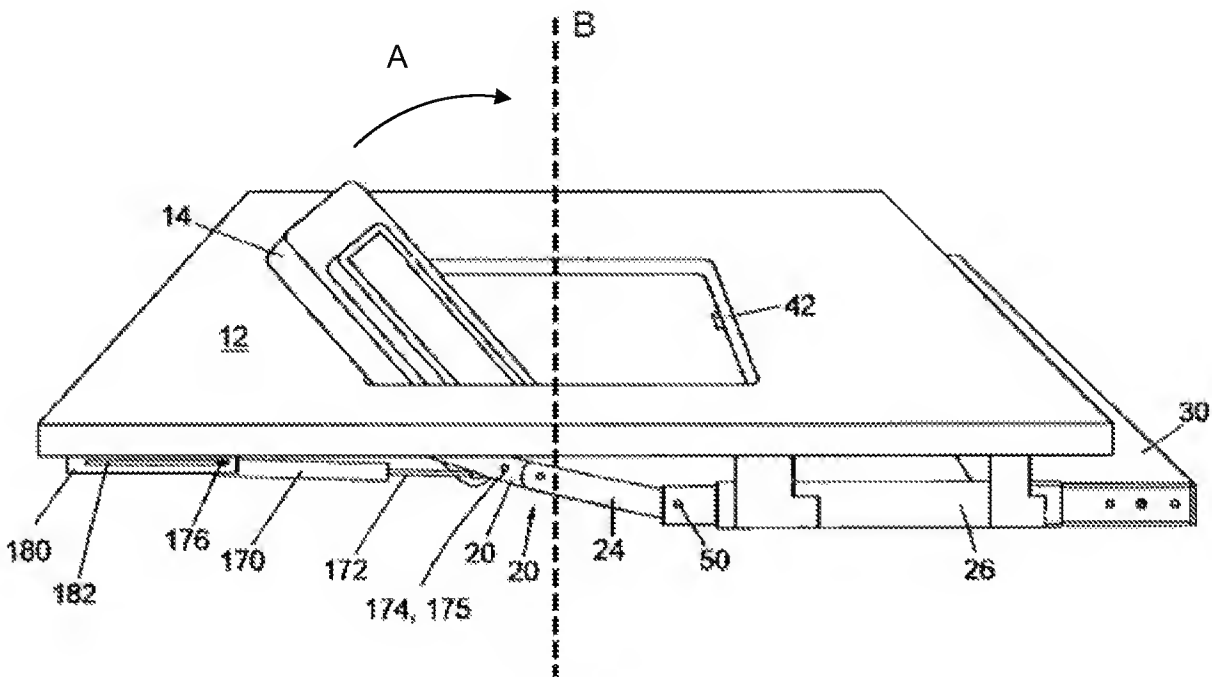


FIG. 4
US 7,047,890 B2
Korber et al.

9. Korber does not explicitly state that the computer table element includes a front cover mounted removably or permanently on the swing arm and that the front cover is adapted to swivel together with the swing arm.

10. Korolainen is cited for teaching a computer table element having a front cover (8; see Figure 3).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the computer table element of Korber so as to incorporate a front cover attached to the swing arms (between links 24's; See Figure 6), as taught by Korolainen, in order to provide a cover for the flat panel display and prevent a user from kicking the display when in a stored position.

Art Unit: 3637

12. It should be noted, that alternatively, the swing arms can be viewed as the combination of links 22 and 24.

13. As for Claim 2, Korber is cited for teaching a computer table element, comprising a body, a sliding keyboard panel (30) having an extended working position (See Figure 4) and a retracted storage position (See Figure 2), a bearer (14) mounted pivotably on the body capable of supporting a flat-panel display in various positions, a link (24) beneath the keyboard panel, the link (24) and the display bearer (14) having a portion thereof linked to each other by a horizontal first pivot joint (40; via link 22) wherein the movement of the keyboard panel is transmitted by a second pivot joint (50; See Figure 6) to the link (24) for reducing an angle between the link and a vertical plane, wherein the link swivels towards the vertical plane as the keyboard panel travels from the working position to the storage position (See motion from Figure 4 to Figure 3, as the keyboard panel is pushed inwards, the link 24 rotates downwards, past the horizontal, and therefore towards a vertical plane).

14. Korber does not explicitly state a front cover beneath the keyboard panel.

15. Korolainen is cited for teaching a computer table element having a front cover (8; see Figure 3).

16. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the computer table element of Korber so as to incorporate a front cover attached to the links (between links 24's; See Figure 6), as taught by Korolainen, in order to provide a cover for the flat panel display and prevent a user from kicking the

Art Unit: 3637

display when in a stored position. It follows that the cover plate being mounted between link arms (24's) would rotate with the link arms in the prescribed fashion.

17. As for Claim 3, as best understood, Korber, as modified by Korolainen, is cited for further teaching a top portion (right side looking at Figure 6) of the display bearer (14) is connected to the body by a horizontal swivel axle (40 on right side looking at Figure 6), whereby, while swiveling towards the vertical plane, the front cover moves in its entirety towards the element's rear portion as the display bearer (14) swivels towards the vertical plane (See Figures 2-4; as the keyboard panel is retracted, the link arm (24), and thus the front cover, moves in its entirety towards the element's rear portion).

18. As for Claims 6, 11, and 12, as best understood, Korber is cited for further teaching the bearer (14) comprises a frame member (main body portion of 14) and a suspension member (44; See Figure 6) supported thereon, and that the frame member has top and bottom portions (left and right portions looking at Figure 6) thereof provided with horizontal swivel axles (46's) for the bearer.

19. Claims 4, 7, 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korber ('890) in view of Korolainen ('976) as applied to claims 1-3 above, and further in view of Johnson et al. (Johnson) (United States Patent No. 5,377,951).

20. As for Claims 4, 7, and 8, as best understood, Korber, as modified by Korolainen, is cited for teaching the limitations of Claims 1-3 respectively, as previously discussed. Korber, as modified by Korolainen, further teaches there being two swing arms (24's;

Art Unit: 3637

See Figure 6) which are connected by the second pivot joint (50) to the keyboard panel (30).

21. Korber, as modified by Korolainen does not explicitly state the swing arms being of L-shaped cross-section.

22. Johnson is cited for teaching a computer table element having two L-shaped cross-section arms (132's; See Figure 3) connected by a pivot joint to a keyboard panel.

23. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the computer table element of Korber, as modified by Korolainen, so as to form the swing arms with an L-shaped cross section, as taught by Johnson, in order to allow the front cover (kick plate) to extend downwards from the table at a greater (and perhaps a more appropriate) distance therefrom. Alternatively, the configuration would allow for increase flexibility in mounting the front cover. Further, it would be recognized by one of ordinary skill in the art that substitution of a straight link for an L-shaped link would be regarded as an obvious design choice, each link working equally as well.

24. As for Claim 13, Korber, as modified by Korolainen and Johnson, is cited for teaching the limitations of Claim 4 as previously discussed. As best understood, Korber is cited for further teaching the bearer (14) comprises a frame member (main body portion of 14) and a suspension member (44; See Figure 6) supported thereon, and that the frame member has top and bottom portions (left and right portions looking at Figure 6) thereof provided with horizontal swivel axles (46's) for the bearer.

Art Unit: 3637

25. Claims 5, 9, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korber ('890) in view of Korolainen ('976) as applied to claims 1-3 above, and further in view of Lechman (United States Patent No. 6,092,883).

26. As for Claims 5, 9, and 10, Korber, as modified by Korolainen, is cited for teaching the limitations of Claims 1-3 respectively as previously discussed.

27. As best understood, Korber, as modified by Korolainen, does not explicitly state the swing arm(s) and the front cover are made of a wire mesh.

28. Lechman is cited for teaching forming a support assembly from interwelded wire components (See Col. 2, lines 13-17).

29. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the computer table element of Korber, as modified by Korolainen, so as to form the swing arm(s) and the front cover from a wire mesh, as taught by Lechman, in order to make the swivel arm and cover plate assembly light in total weight and to also provide excellent capacity for air circulation purposes (as the swivel arms and the cover plate are proximal to the monitor) (See Lechman, Col. 2, lines 13-17).

30. As for Claim 14, Korber, as modified by Korolainen and Lechman, teach the limitations of Claim 5 as discussed above. As best understood, Korber is cited for further teaching the bearer (14) comprises a frame member (main body portion of 14) and a suspension member (44; See Figure 6) supported thereon, and that the frame member has top and bottom portions (left and right portions looking at Figure 6) thereof provided with horizontal swivel axles (46's) for the bearer.

Response to Arguments

1. The amendment to specification removing the two lines is accepted.
2. Applicant's arguments filed 8/11/10 have been fully considered but they are not persuasive. In regards to the argument that when the sliding keyboard panel of Korber moves from a working position to a storage position that the angle between the display and a vertical plane increases and not decreases as required by the claims. While the examiner does agree with the applicant that since Korber teaches the display horizontally disposed in the storage position the angle must increase, but this is not a whole picture of the motion. As in figure in the motion shown going from figure 4 to 3 to 2, the display moves from an inclined position through a vertical position towards the horizontal resting position. This motion therefore includes the angle decreasing with respect to the vertical plane towards an angle zero at which point the angle would increase until it becomes substantially 90 degrees. The claim do not require the motion as a whole for the angle decreases, but just at some point as the sliding keyboard is moved from one position to other position that the angle is decreasing. It is suggested that the applicant include language or features similar to defining that in the storage position the display is substantially vertical below a plane of the work surface/keyboard panel to better define this aspect of the invention.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., providing more space for legs for a desk) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

Art Unit: 3637

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. In response to applicant's argument towards the combination with Korolainen, the examiner disagrees that there is no purpose for such a combination. As stated above the cover would protect the display from being kicked since the display is in a horizontal position when collapsed and could be kicked by a user when in that position. The cover would provide a surface in between a user's foot and the display and thereby is considered to protect the display.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3637

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY M. AYRES whose telephone number is (571)272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on (571) 272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M. A./
Examiner, Art Unit 3637
10/15/2010

/Darnell M Jayne/
Supervisory Patent Examiner, Art
Unit 3637